

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 28, 2015

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON LEE SUTTON,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
BERNARD WARNER, in his
individual and official capacities,
RAMON RUIZ, in his individual and
official capacities, MARINA
FRANKLIN, in her individual and
official capacities, HERBERT
PENROSE, in his individual and
official capacities, LYNN CLARK, in
her individual and official capacities,
and LEE YOUNG, in his individual and
official capacities,

Defendants.

No. 2:13-CV-5064-SMJ

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Before the Court, without oral argument, is Plaintiff Jason Lee Sutton's Motion for Reconsideration, ECF No. 187. Plaintiff, proceeding *pro se*, moves to reconsider this Court's Order Granting Defendant's Motion for Summary Judgement, ECF No. 185.


1 A motion for reconsideration should only be granted if the court (1) is
2 presented with newly discovered evidence, (2) committed clear error or the initial
3 decision was manifestly unjust, or (3) if there is an intervening change in
4 controlling law. *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir.
5 1993). “A motion for reconsideration should not be granted, absent highly
6 unusual circumstances.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665
7 (9th Cir. 1999). A motion for reconsideration may not be used to raise arguments
8 or present evidence for the first time when they could reasonably have been raised
9 earlier in the litigation. *Id.*; *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877,
10 890 (9th Cir. 2000).

11 After reviewing the pleadings, the record in this matter, and the applicable
12 authorities, the Court is fully informed and finds that Plaintiff has not met this
13 standard. In his Motion, Plaintiff does not present any newly discovered
14 evidence, nor does he allege that the Court committed a clear error in its August
15 11, 2015 Order. Further, Plaintiff cites no intervening controlling law. Plaintiff
16 simply reasserts arguments that were squarely before the Court when it heard
17 Defendant’s Motion for Summary Judgment, ECF No. 146. The Court
18 sufficiently addressed Plaintiff’s legal arguments in its August 11, 2015 Order,
19 and the Court does not find error in its decision.

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2 Accordingly, **IT IS HEREBY ORDERED:** Plaintiff Jason Lee Sutton's
3 Motion for Reconsideration, **ECF No. 187**, is **DENIED**.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.

6 **DATED** this 28th day of October 2015.

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9 SALVADOR MENDOZA, JR.
10 United States District Judge
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